

THE WHITE HOUSE  
Office of the Press Secretary

PRESS BRIEFING  
BY

✓ LARRY SPEAKES

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The Briefing Room

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by Arab countries.

Mark?

Q Larry, can you say how U.S. determination to maintain open access through the Straits of Hormuz might manifest itself?

MR. SPEAKES: Well, we would address it specifically at the time these type incidents with various nations involved have arisen in the past, and the U.S. has been prepared to protect U.S. shipping and prepared to keep the Straits open and has done so by using its military. We would address these on a case-by-case basis and do what's necessary to keep the straits open.

Q New subject?

MR. SPEAKES: Pat? New subject?

Q New subject.

MR. SPEAKES: New subject, David.

Q Is CIA Director Casey acting with the President's explicit approval in this discussion with various people about the leaks?

MR. SPEAKES: David, I don't know that they have discussed it -- that the Director has discussed it with the President. We are leaving the matter up to the Justice Department for their discretion on whether to prosecute or not if, indeed, there is a violation.

Q I guess what I'm asking is -- does the White House and the administration have a unified view on this? Has the White House told Casey that the views that he's expressing publicly are those of the White House?

MR. SPEAKES: Well, the only view that we have is that if anyone breaks a law, whether it's a member of this administration or a publication, then we think they should be prosecuted. And --

Q So therefore, the Justice Department then shouldn't be reluctant to prosecute if that's the view, right?

MR. SPEAKES: If the Justice Department makes a decision that falls within the realm of prosecutorial discretion, which involves a number of factors -- if they make that decision, then they should do it. If indeed we believe, and Director Casey believes, or anybody else believes, that there's been a violation of the law, then the matter should be presented to the Justice Department for their decision. And that's --

Q I guess I was puzzled why Casey was the spokesman for the administration on this and whether he had the full backing of the President and the White House on it.

MR. SPEAKES: Well, if -- I think the Director in his conversations, which I still believe he thought were private with Bradley and Lynn Downey, if -- I think he was speaking in the hypothetical -- that if something had occurred --

Q Five --

MR. SPEAKES: Pardon? That if something did occur, then he would have to recommend prosecution. But on the other cases, I think he's indicated that he believes there has been a violation of the law. Now, whether he's made that recommendation to Justice on the cases of the Libyan intercepts, and the Bonn incident, I don't know.

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Q Well, wasn't he referring to one specific case or story that The Post has but has not yet published?

MR. SPEAKES: I believe he was.

Q So that wasn't hypothetical.

MR. SPEAKES: No, it's -- if they don't publish it, there's no violation of the law. If they publish it, it's a violation of the law. So he was speaking in one instance hypothetically, and another instance on the Bonn intercepts --

Q Yes, Larry, but I think the thrust of David's questions are whether or not the President shares the same concern that Casey apparently feels about this?

MR. SPEAKES: The President is concerned about national security leaks -- has been since the onset of the administration in 1981 and we've done what we can to close the door on those leaks and the publication of them that damage national security. The view of the administration though is that if there is a violation of the law, then the Justice Department will have to make a decision whether to prosecute. That's where we stand on those five cases that he sited regarding the Libyan intercepts -- is that basically we certainly oppose the breaking of the law and if the law applies and Justice deems it is proper to prosecute, then they should do so.

Q So you think it's proper for Casey to bring it up himself or anybody else who believes that a law may have been violated?

MR. SPEAKES: Sure. Yes -- you could bring it up.

Q Well, does this mean that Casey then will make such a referral, having already brought it up?

MR. SPEAKES: I don't know. I don't know the facts. Ed, do you know whether Casey has actually referred on the Libyan thing or made a recommendation?

MR. DJEREJIAN: No.

MR. SPEAKES: I don't know whether he has or not.

Q What is he trying to do now? Just talk The Post out of printing an article?

MR. SPEAKES: Well, I think he is indicating that the article he has in mind as one that would seriously damage U.S. national security and that if it did occur, and you'd have to go to him for this, that it may constitute a violation of the law. And, if so, I believe, he said he would prosecute -- would recommend prosecution. Once again it's a Justice Department decision.

Yes?

Q New subject?

MR. SPEAKES: New subject.

Q Shcharansky, tomorrow?

MR. SPEAKES: Shcharansky tomorrow. I don't have a time on Shcharansky, but he is coming in to see the President tomorrow.

Q What kind of visit -- will there be any access?

MR. SPEAKES: It will be an Oval Office visit for the two to talk privately.

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